

## Message Text

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PAGE 01 STATE 073177  
ORIGIN EB-08

INFO OCT-01 ARA-10 ISO-00 CG-00 DOTE-00 CIAE-00  
COME-00 DODE-00 INR-10 JUSE-00 L-03 NSAE-00 CA-01  
SCS-06 /039 R

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-----079628 221035Z /23

R 220047Z MAR 78  
FM SECSTATE WASHDC  
TO AMEMBASSY BOGOTA  
AMCONSUL BARRANQUILLA

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E.O. 11652:N/A

TAGS: EWWT, CO

SUBJECT:MARINE SALVAGE DISPUTE

1. DEPARTMENT HAS BEEN CONTACTED BY MR. DWIGHT DEMERITT OF THACHER, PROFFITT, AND WOOD OF NEW YORK, ATTORNEYS FOR THE INSURERS OF TWO US-FLAG BARGES THAT HAVE BEEN SALVAGED AT SEA AND TOWED INTO PORT OF SANTA MARTA. DEMERITT ALLEGES THAT LOCAL COLOMBIAN CUSTOMS OFFICIALS HAVE FRAUDULENTLY ATTEMPTED TO HAVE THE COURTS DECLARE THE BARGES AND THEIR CARGO CONTRABAND AND THUS CONDEMNED. HE FURTHER ALLEGES THAT THE LOCAL CUSTOMS JUDGE HAS ASKED ONE MILLION PESOS TO RESOLVE THE CASE IN FAVOR OF THE U.S. PARTIES.

2. BACKGROUND: ON NOVEMBER 27, 1977, THE MARINE  
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EXPLORATION COMPANY OF MIAMI DISPATCHED ITS BARGES MECI 6 AND MECI 8 IN TOW OF ITS TUG TAMMY W ON A VOYAGE FROM MIAMI TO PUNTO FIJO, VENEZUELA, WITH SEVERAL INTERMEDIATE PORTS OF CALL. ON DECEMBER 17, THE VESSEL ENCOUNTERED EXTREMELY ADVERSE WEATHER CONDITIONS OFF THE VENEZUELAN COAST. SHE WAS RUNNING LOW ON FUEL, AND WAS UNABLE TO MAKE HEADWAY WITH THE BARGES IN TOW. THE

CREW ANCHORED THE BARGES, AND PROCEEDED TO PUNTO FIJO TO

REFUEL. ON DECEMBER 19 THE TUG RETURNED TO THE SITE WHERE THE BARGES HAD BEEN ANCHORED, AND DISCOVERED THAT THEY HAD DISAPPEARED. ACCORDING TO DEMERITT, DON NICKY TRANSPORTES DEL CARIBE, S.A., THE PANAMANIAN OWNER OF THE VESSEL DON NICKY, CLAIMS THAT THE BARGES WERE FOUND DRIFTING AT SEA BY THE CREW OF THE DON NICKY ON DECEMBER 18, AND WERE TOWED INTO SANTA MARTA ON DECEMBER 19. DEMERITT SAYS THAT AFTER PROTRACTED EFFORTS TO REACH A SETTLEMENT WITH THE SALVOR HAD APPARENTLY SUCCEEDED BY EARLY MARCH, THE AFOREMENTIONED LEGAL ACTION WAS SUDDENLY INITIATED BY COLOMBIAN CUSTOMS.

3. THACHER, PROFFITT AND WOOD'S COLOMBIAN LEGAL COUNSEL IS DR. GUILLERMO SARMIENTO RODRIQUEZ, APARTADO AEREO 14590, CALLE 12, NUMERO 7-32, OFICINAS 1002/3, BOGOTA.

4. ACTION REQUESTED: EMBASSY REQUESTED TO CONTACT SARMIENTO AND, IF NECESSARY, APPROPRIATE GOC AGENCIES, TO ASCERTAIN AND REPORT STATUS OF COURT ACTION. DEPARTMENT POUCHING VARIOUS DOCUMENTS, INCLUDING COPIES OF VESSELS' LOG, BUT EMBASSY REQUESTED TO INITIATE ITS INQUIRIES ON BASIS OF INFORMATION IN THIS TELEGRAM. (WE ASSUME SARMIENTO ALREADY HAS COPIES OF MOST IMPORTANT DOCUMENTATION, AND CAN MAKE THEM AVAILABLE TO LIMITED OFFICIAL USE

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EMBASSY.) VANCE

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NNN

## Message Attributes

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**Disposition Date:** 20 Mar 2014  
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**Review Markings:**  
Sheryl P. Walter  
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